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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,567	08/15/2000	Don Brunnett	3123-345	2269

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HANSRA PATENT SERVICES
4525 GLEN MEADOWS PLACE
BELLINGHAM, WA 98226

[REDACTED] EXAMINER

HOLDER, REGINA NEAL

ART UNIT	PAPER NUMBER
2651	7

DATE MAILED: 04/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/639,567	BRUNNETT ET AL.
	Examiner Regina N. Holder	Art Unit 2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 March 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-23 and 51-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,7,13,51,54 and 59 is/are rejected.
- 7) Claim(s) 2-6,8-12,14-23,52,53,55-58 and 60-62 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed 3/26/03 has been entered. Claims 1-23 and 51-62 are pending.

Claim Objections

2. Claim 11 is objected to because of the following informalities: There should be a space between "Claim" and "1" in line 1 of claim 11. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 7, 13, 51, 54, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al (6,115,200) in view of Kasiraj et al (5,777,815).

Regarding claim 1, Allen et al teaches specifying a write fault of at least a first magnitude (post shock event) in response to detecting a write fault of at least a first magnitude, preventing a write operation from occurring for a first time period, specifying a write fault of at least a second magnitude (shock event), wherein the second magnitude is greater than the first magnitude, in response to detecting a write fault of the second magnitude preventing a write operation for a second time period. However, Allen et al does not recite specifying recite the second time period is greater than the first time period.

Kasiraj et al teaches that the recovery period can be predetermined or last until the shock is terminated. See col.39-46. It is also well known that the greater the impact or off-track error, the longer the recovery period. When these teachings are combined with the teachings of Allen

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et al, the combination suggests that the shock event (the greater impact) would have a longer recovery period.

It would have been obvious to one of ordinary skill in the art at the same time the invention was made to modify the teachings of Allen et al to include well known teachings, motivation being to provide an adequate predetermined time period for the shock or off-track error to terminate.

Regarding claim 7, Allen et al teaches the write faults are measured as a distance of the transducer head from a centerline of a data track. See col. 4 lines 60-67. Detecting the movement of the transducer during the shock event and the post-shock even is being interpreted as measuring a distance of the head from the centerline.

Regarding claims 13, 51, 54, and 59, these limitations are met in the rejection of claims 1 and 7. Allen et al teaches a base, a disk, a transducer head, a VCM, and a controller. See figs. 1-3 and their corresponding description.

Allowable Subject Matter

5. Claims 2-6, 8-12, 14-23, 52, 53, 55-58, and 60-62 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See also Lamberts et al (6,313,964) and Nishida et al (US2002/0030915).

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Regina N. Holder whose telephone number is (703) 308-4078.

The examiner can normally be reached on 6:30 a.m. - 5:00 p.m. Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Regina N. Holder
Regina N. Holder
Primary Examiner
Art Unit 2651

rnh
April 11, 2003